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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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8 HYPERTHERM, INC.,

9 Plaintiff,

10 vs.

11 PROFILE CUTTING TECHNOLOGIES LTD., *et*
12 *al.*,

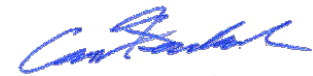
13 Defendants.

2:12-cv-01952-GMN-VCF

REPORT AND RECOMMENDATION

14 Before the Court is plaintiff's Motion for Default Judgment as to Defendants WestingCut
15 Industrial Technology (Anhui, Inc., WestingCut Electric (Shanghai) Inc., and WestingCut. Having
16 reviewed the relevant portions of the file, and the Declaration of W. West Allen in Support of
17 Hypertherm, Inc.'s Request for Entry of Default (#15), the undersigned Magistrate Judge recommends
18 that the permanent injunction and attorneys' fees be granted as set forth in the attached Exhibit 1.

19 DATED this 17th day of December, 2013.

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21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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Exhibit 1

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5 DISTRICT OF NEVADA

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12 *al.*,

13 Defendants.

2:12-cv-01952-GMN-VCF

DEFAULT FINAL JUDGMENT AND
PERMANENT INJUNCTION ORDER

14 This action having been commenced by Plaintiff Hypertherm, Inc. ("Hypertherm") against
15 Defendants WestingCut Industrial Technology (Anhui) Inc., WestingCut Electric (Shanghai) Inc., and
16 WestingCut Industrial Technology (Shanghai) Inc. (collectively, the "Defendants") for patent
17 infringement pursuant to 35 U.S.C. § 271 for the reason that Defendants are making, selling, offering to
18 sell, or using products infringing U.S. Patent Nos. 6,946,617; 8,115,136; 8,212,173; 7,829,816; and
19 6,207,923 (collectively, the "Hypertherm Asserted Patents"), which are owned and controlled by
20 Hypertherm; and

21 Defendants having been properly served through personal delivery of the Summons in a
22 Civil Action, Civil Cover Sheet and Complaint upon an authorized agent of Defendants; and

23 None of the Defendants having filed a response to the Complaint or otherwise appeared in
24 this action; and

25 The Clerk of the Court having entered a default against each Defendant on May 16, 2013;

1 and

2 Hypertherm having moved for final default judgment under Fed. R. Civ. P. 55(b) and Hypertherm
3 having shown, inter alia, the following:

4 1. Hypertherm owns all rights, title and interest in and to the Hypertherm Asserted
5 Patents; and

6 2. Defendants are making, selling, offering to sell, or using products infringing the
7 Hypertherm Asserted Patents in the United States, including this Judicial District; and so the Court:

8 HEREBY FINDS that each Defendant is liable for patent infringement and this Default Final
9 Judgment and Permanent Injunction Order is entered against each Defendant.

10 THEREFORE, IT IS HEREBY ORDERED that Defendants, their predecessors,
11 successors, assigns, executors, administrators, and its past, present and future officers, directors,
12 employees, parents, subsidiaries, divisions, affiliates, partners, attorneys, representatives,
13 shareholders, trustees, agents, advisors and any persons in active concert or participation with
14 them are permanently enjoined and restrained from:
15

- 16 (i) making, selling, offering to sell, or using non-genuine
17 versions of original Hypertherm parts that are covered
by the Hypertherm Asserted Patents; and
- 18 (ii) selling or offering to sell such non-genuine versions
19 of original Hypertherm parts that are covered by the
20 Hypertherm Asserted Patents by any means, including
at tradeshow and/or using online (internet) resources
and services; or
- 21 (iii) using the "Made in U.S.A." designation on labels for
22 non-genuine parts that correspond to original
23 Hypertherm parts that are covered by the Hypertherm
Asserted Patents.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to 35 U.S.C.
25

1 § 285, Plaintiff is awarded reasonable attorney's fees, subject to plaintiff's timely compliance with
2 Fed.R.Civ. P. 54(d) and Local Rules 54-16.

3 IT IS FINALL Y ORDERED that this Court shall retain jurisdiction over the parties and
4 the subject matter of this litigation for the purposes of interpretation and enforcement of this
5 Default Final Judgment and Permanent Injunction Order.

6 IT IS SO ORDERED.

7 DATED: _____
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UNITED STATES DISTRICT JUDGE
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